

REMARKS/ARGUMENTS

In the November 20, 2006 Office Action, the Examiner rejected claims 1-12 and 17-20 pending in the application. Claims 1, 8 and 17 are amended herein. No new matter is presented by the amendments. Claims 1-12 and 17-20 (3 independent claims; 16 total claims) remain pending in the application. Applicant requests allowance of all pending claims in view of the following remarks.

Preliminarily, this invention is directed towards a golf club head frame. The frame defines the shell of the club head and has apertures therein. An aperture is "an opening or open space." As recited, the apertures are filled in one of two ways. In one instance, as recited in claim 1, a matrix (e.g., plastic, graphite, fiberglass, epoxy) underlies the shell and fills the aperture(s) therein. In another instance, as recited in claim 8, matrix "plugs" fill the aperture(s) in the shell. Importantly, a hollow space is left defined within the club head, and the outer surface of the matrix and the outer surface of the club head frame are substantially contiguous.

Also recited is a faceplate aperture configured to detachably receive a faceplate. Importantly, the abovementioned matrix does not fill the faceplate aperture. By virtue of the hollow space within the club head and easy access thereto by way of the faceplate aperture, the club head can be quickly customized for a particular player or according to course conditions or weather. Further still, the claims recite, in addition to the faceplate aperture, at least one other aperture in the frame, thus making the frame lighter, but by virtue of the matrix, without sacrificing strength and/or stiffness.

None of the references cited to date remotely contemplate these aspects of the present invention, and the benefits provided thereby, as presently recited by the claims. Accordingly, Applicants respectfully request a detailed interview at the Examiner's earliest convenience to discuss the references and claims, as presently recited, and the significant differences therebetween.

§ 102 Rejections

Claims 1, 2, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen (5,288,070). Claim 1, as amended, requires "a body combination having a body frame structure defining an outer surface of the golf club head and at least one body aperture, said body frame structure encompassing an aperture filler matrix." Chen, in contrast, is made of a composite material and is composed of a solid casing, a base plate, and a front wall. (see column

2, lines 17-19) In Chen, there is no “opening or open space” in the club head shell. (see FIGS. 1 through 7) Indeed, there is no mention in Chen of an aperture in the golf club head and this alone means Chen cannot anticipate the present invention as claimed as each and every element is not disclosed.

Moreover, amended claim 1 further requires “an inner surface of said aperture filler matrix defin[ing] a hollow space.” Chen, in contrast, discloses a solid golf club head. (see column 2, lines 51-53) There is no other disclosure in Chen other than a completely filled club head. Chen does not contemplate a hollow golf club head, as presently recited in the claims. Again, Chen cannot anticipate the present invention as claimed as each and every element is not disclosed.

Claim 8, as amended, requires “body combination having a body frame structure defining an outer surface of the golf club head and at least one aperture and an aperture filler matrix which closes an area defined by said aperture, and inner surface of said aperture filler matrix defines a hollow space.” Again, Chen does not disclose an aperture or a hollow space, both recited in claim 8 and therefore, cannot anticipate the present invention as claimed as each and every element is not disclosed. Accordingly, Applicant requests withdrawal of this § 102 rejection of claims 1 and 8, and 2 and 9 which depend therefrom.

Claims 1, 2, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lo (5,410,798). Claims 1 and 8, both as amended herein, require “a faceplate aperture.” Again, an aperture is “an opening or open space.” In accordance with an aspect of the present invention, by virtue of a faceplate aperture and a detachable faceplate, access to the hollow space of the club head is made possible for easy club head customization, for example, attaching weights to a weight retaining stud located within the club head. (see FIG. 1)

Lo discloses no such faceplate aperture to detachably receive a faceplate. In stark contrast, the side wall in Lo at best has a cavity which is adapted to receive a striking plate. (see column 3, lines 5-6) In this respect, the striking plate, when inserted, completely fills this depression. Stated otherwise, “cavity,” as used in Lo, is merely a recessed portion, that is neither a hollow space nor an opening for providing access to the hollow space of the club head. (see FIG. 2, reference numeral 261) Further still, the bowl-shaped laminated member 30 of Lo does not have any opening (i.e., aperture) in proximity to a faceplate, and thus cannot have a faceplate aperture.

Additionally, Lo does not disclose an “aperture filler matrix,” as recited in claims 1 and 8. In the Office Action dated June 12, 2006, the Examiner himself noted that “the bowl-shaped laminate is the filler matrix.” That being the case, the bowl-shaped laminate does not fill an aperture. In Lo, the casing open end 31 (i.e., the aperture) is closed by a sheet of carbon fiber composite material (see FIG. 2, reference numerals 31 and 50). Indeed, as noted above, Lo does not disclose or contemplate a faceplate aperture configured to detachably receive a faceplate, nor an aperture filler matrix. Therefore, Lo cannot anticipate the present invention as claimed as each and every element is not disclosed. Accordingly, Applicant requests withdrawal of this § 102 rejection of claims 1 and 8, and 2 and 9 which depend therefrom.

§ 103 Rejections

Claims 3, 11, and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo (5,410,798) in view of Anderson et al. (5,094,383). Applicant respectfully traverses. As discussed above, Lo does not disclose or contemplate a faceplate aperture configured to detachably receive a faceplate nor an aperture filler matrix, as claimed in claim 1, from which claim 3 depends, claim 8, from which claim 11 depends, and claim 17, from which claims 18-19 depend.

Turning now to Anderson, a faceplate aperture configured to detachably receive a faceplate is not disclosed therein either. With reference to a driver, Anderson discloses a faceplate abutted against the front surface of the casting and permanently joined thereto along weld joints. (see column 2, lines 46-48) The face plate is inserted into a peripheral slot formed in the club head. (see column 2, lines 58-59 and FIG. 9) Applicant submits that the “slot,” as disclosed in Anderson, is very different from an “aperture,” as disclosed by Applicant. Specifically, putting aside whether the club head in Anderson is hollow (see FIG. 8, reference numeral 16), there is no disclosure of a faceplate aperture or a structure designed to provide access to the hollow space within the club head.

Even assuming, *arguendo*, the slot in Anderson is comparable to Applicant’s faceplate aperture, the face plate in Anderson is solidly joined along weld joints. (see FIG. 5, reference numeral 14) In contrast, claims 1, 8 and 17, all as amended, claim a faceplate detachably retained on a body frame structure, or a body frame structure configured to detachably receive a faceplate. The golf club head comprising a detachable face allows various faces of differing materials to be attached to the body. A detachable face further allows the head to be tuned via

placement/rearrangement of weights within the head to change the center of gravity and moment of inertia.

Moreover, Anderson does not disclose any aperture distinct from anything characterizable as a faceplate aperture. Claims 1, 8 and 17, as presently amended, each recite a body frame structure having at least one aperture that is distinct from the faceplate aperture, a feature not taught in Anderson. Because the combination of Lo and Anderson does not disclose each and every element of the invention as claimed, Applicant requests withdrawal of this § 103 rejection of claim 17, and 18-19 which depend therefrom, as well as claims 3 and 11, which include limitations similar to that in claim 17 by virtue of their dependency on claims 1 and 8 respectively.

Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo (5,410,798) in view of Maxel (4,618,149). Applicant respectfully traverses. The combination of Lo and Maxel does not disclose each and every element of claims 4 and 10. Claims 4 and 10 include all the limitations of claims 1 and 8 respectively, as being dependent thereon. As discussed earlier, neither Lo nor Maxel disclose an aperture filler matrix, as recited in claims 1 and 8. In view of the foregoing remarks, Applicant requests withdrawal of this § 103 rejection of claims 4 and 10 as being dependent upon claims 1 and 8.

Claims 5-7, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo (5,410,798) in view of Bliss (6,776,723). Applicant respectfully traverses. As discussed above, neither Lo nor Bliss disclose or contemplate a faceplate aperture configured to detachably receive a faceplate nor an aperture filler matrix, as claimed in claim 1, from which claims 5-7 depend, claim 8, from which claim 12 depends, and claim 17, from which claim 20 depends.

Again, putting aside whether the club head in Bliss may be hollow, there is no aperture, or opening providing access to the hollow space of the club head, as claimed in the present invention, nor is there a detachable faceplate. Because the combination of Lo and Bliss does not disclose each and every element of the invention as claimed, Applicant requests withdrawal of this § 103 rejection of claim 5-7, 12, and 20, which include among other limitations, a faceplate detachably retained on a body frame structure, or a body frame structure configured to detachably receive a faceplate, by virtue of their dependency on claims 1, 8 and 17, each amended herein.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that all of the currently pending claims 1-12 and 17-20 properly set forth that which Applicant regards as his invention and are allowable over the cited prior art.

Accordingly, Applicant respectfully requests reconsideration and allowance of all pending claims. Again, Applicant respectfully requests a detailed interview to discuss the references and claims, as presently recited, and the significant differences therebetween. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's earliest convenience. Applicants authorize and respectfully request that any fees due under 37 C.F.R. §§ 1.16 or 1.17 be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Date: 4-19-07

Respectfully submitted,

By: 

Damon L. Boyd
Reg. No. 44,552

Reg. No.
60,183

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6337